IN THE HIGH COURT OF UTTARNCHAL AT NAINITAL .

Writ Petition no. 560(SS) 2005.

Ram Singh S/o Sri Gushai Singh,
Resident of Gram Matholi, Post- Patoti,
District Pauri Garhwal. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary,
   Public Works Department, Dehradun,
2. Chief Engineer, Public Works Department, Dehradun,
3. Executive Engineer, Construction Division,
   P.W.D. (Prantiya Khand) Pauri Garhwal,
   District Pauri Garhwal. ..... Respondents.

Sri Nandan Arya, learned counsel for the petitioner.
Sri Subhash Upadhyay, learned Standing Counsel for the State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Nandan Arya, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for the State of Uttaranchal/respondents nos. 1 to 3.

By means of this writ petition, the petitioners have prayed for the following reliefs:

i. Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to release the pension of the petitioner.

ii. Issue a writ, order or direction in the nature of mandamus commanding/ directing the respondents to give arrear with 12% interest from the date of his retirement,

iii. Issue any suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner,

iv. Award the writ petition with cost.

The petitioner has submitted that he was appointed as Beldar on daily wages basis on 22.12.1974 with the respondent's Department. Thereafter, the respondents have given appointment to him in the Work-charge establishment on 29.01.1988 and regular appointment was given to him in the regular establishment vide letter dated 07.09.1999. The petitioner retired from his services on 30.06.2001 after completing age of superannuation.

The respondents have filed counter affidavit. In para-8 of the counter affidavit, respondents have submitted that the petitioner was regularised in service on 01.09.1999 with the respondent's Department and he was retired on 30.06.2001.

Thus, from the averments made in the petition itself it is evident that the petitioner has not completed 10 years' services after being appointed in regular establishment, which is mandatory requirement for an employee for getting pension as provided under the pension Rules. In these circumstances, I am of the view that the petitioner is not entitled to get any relief by means of this writ petition under Article 226 of the Constitution of India.

For the reasons recorded above, the writ petition lacks merit and is liable to be dismissed in limine. Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

December 8, 2006:
NCM: